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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Lassen)

In re J.D., a Person Coming Under the Juvenile Court
Law.

C076818

THE PEOPLE,

(Super. Ct. No. J5402)

Plaintiff and Respondent,

v.

J.D.,

Defendant and Appellant.

Minor J.D. appeals from a juvenile court dispositional order committing him to juvenile hall for one year. The minor contends the imposition of this sentence was an abuse of discretion. We affirm.

BACKGROUND

On January 18, 2013, a juvenile wardship petition was filed alleging the minor (born July 31, 1996) committed two counts of discharging a firearm at an inhabited

dwelling. (Pen. Code, § 246.)¹ Later that month, the juvenile court ordered the minor detained at juvenile hall in the care of the probation department.

On April 28, 2013, the minor was taken into custody for violating the terms of his electronic monitoring program. Upon arriving at the detention facility, the minor fled on foot from the transport vehicle. He was detained at his residence about one hour later.

A first amended petition was filed on April 29, 2013, alleging the minor committed simple escape. (§ 4532, subd. (b)(1).) On June 17, 2013, the initial petition was denied without prejudice due to the inability to locate witnesses. The minor admitted the allegation in the first amended petition. The minor was released on house arrest and the disposition hearing was set for July 25, 2013.

On July 1, 2013, the minor took his ex-girlfriend's cell phone from her hand and refused to return it. The girl asked her uncle to help retrieve the phone. The uncle agreed, but left after hearing a shotgun shell chambered when he approached the residence that the minor was in. On July 16, 2013, a second subsequent petition was filed alleging the minor committed petty theft. (§ 484, subd. (a).) The girl eventually got her phone back.

On August 13, 2013, a detention/arraignment memo was filed noting that, on July 21, 2013, the minor violated his house arrest by going to another person's residence. Additionally, he had tested positive for opiates due to his abusing cough suppressant and had met with his girlfriend, a violation of a previous no-contact order.

At the hearing on August 14, 2013, the minor admitted to violating his house arrest. The juvenile court detained the minor at juvenile hall in the custody of the probation department pending further hearing. Following a contested hearing, the juvenile court sustained the petty theft allegation in the second subsequent petition. At

¹ Undesignated statutory references are to the Penal Code.

the September 26, 2013, dispositional hearing, the juvenile court continued the minor as a ward of the court, imposed a curfew, and placed the minor in the Keeping Youth Journeying Onward program.

In a probation officer's report for the interim review hearing, the officer noted that the minor was scheduled to graduate from high school on June 10, 2014. From March 16 through March 27, 2014, the minor received five incident reports. His behavior included: threatening staff, inappropriate sexual remarks towards female staff, testing positive for substance use, a confiscated cell phone, refusing to follow directives, derogatory remarks towards placement and school staff, excessive profanity, and refusing to attend school.

The minor sustained another 10 incident reports between April 27 and May 17, 2014. During this time, the minor tried to influence other residents to disobey the rules of the placement institution, was disrespectful to campus police and the high school probation officer, and was suspended from school for five days for being under the influence. The minor refused to take a drug test, disobeyed staff, absconded, and tested positive for drug use. He also locked staff out of the placement home, threatened to beat up staff, removed light bulbs from outlets, and influenced other residents to engage in property damage.

A June 16, 2014, report provided documentation of 16 incident reports for the minor between March 16, 2014, and May 17, 2014.

At the June 27, 2014, interim hearing, the facilities manager for the minor's group home testified that the minor was doing a little better than at the time of his last court date. Out of the six children in the group home, the minor was "probably the third in line." He completed programs at the group home including sex education, a housing module, a drug group, and anger management, and was on track to complete the group home's program. The minor had also obtained a Cal Grant college scholarship. The manager believed the minor had a "50/50" chance of committing crimes after his release from the group home.

On March 20, 2014, the minor was suspended from high school after failing to turn off his cell phone. He also had incident reports at the group home for refusing to attend school and refusing to take his medication, possessing a cell phone and cursing, failing to comply with bedtime protocol, truancy from school, not complying with the police, and refusing a drug test.

The minor testified that he gave the group home so much trouble because it was hard to be away from his family. He was accepted for admission into Butte College. He was very sorry for how he treated the probation officer and the group home staff.

In announcing its decision, the juvenile court recited 42 separate incidents of misbehavior involving the minor starting on October 22, 2013. While the minor's college plans were admirable, the court had to go with what the minor had done. He was almost 18 years old "and has deliberately and intentionally and repeatedly been defiant and disrespectful and used drugs and alcohol and not followed the rules and incited other folks to do the same." The juvenile court therefore adopted the recommendation in the probation report and ordered the minor to serve a one-year term in juvenile hall.

DISCUSSION

The minor contends the juvenile hall commitment was an abuse of discretion. We disagree.

"A juvenile court's commitment order may be reversed on appeal only upon a showing the court abused its discretion. [Citation.]" (*In re Robert H.* (2002) 96 Cal.App.4th 1317, 1329-1330.) "We must indulge all reasonable inferences to support the decision of the juvenile court and will not disturb its findings when there is substantial evidence to support them. [Citations.] In determining whether there was substantial evidence to support the commitment, we must examine the record presented at the disposition hearing in light of the purposes of the Juvenile Court Law. [Citations.]" (*In re Michael D.* (1987) 188 Cal.App.3d 1392, 1395.) "All dispositional orders in a wardship case must take into account the best interests of the child and the rehabilitative

purposes of the juvenile court law. [Citation.]” (*In re S.S.* (1995) 37 Cal.App.4th 543, 550.) The protection and safety of the public is one of the purposes of juvenile law. (Welf. & Inst. Code § 202, subd. (a).)

The minor claims the juvenile court abused its discretion by focusing on punishment rather than rehabilitation. Admitting he had “behavioral issues at the group home,” the minor notes he managed to graduate from high school, complete the group home program, get a Cal Grant, and was admitted to college. From this, he concludes that the juvenile court should have continued him at the group home or ordered some other commitment that would let him attend college.

In contrast to the minor’s arguments on appeal, the record contains ample support for the commitment order. The minor had committed the crimes of petty theft and escape, and persistently refused to follow the rules at school and in his group home. These misbehaviors were not just minor infractions, but included comparatively serious behavior such as drug use, inciting others to property damage, and threatening physical violence against staff. In light of this record of persistent misbehavior, it was not an abuse of discretion for the juvenile court to conclude that the more restrictive rehabilitative environment provided by juvenile hall was appropriate in this case.

DISPOSITION

The juvenile court’s orders are affirmed.

RENNER, J.

We concur:

BLEASE, Acting P. J.

HULL, J.